one law of limitations, and that to establish a limitation by contract there must be a sufficient consideration. *Barnes v. McMurtry*, 29 Neb. 184. The rest of the state courts and the Federal courts agree that a condition that suit must be brought within a certain time is valid, unless unreasonable. *Thompson v. Phoenix Ins. Co.*, 25 Fed. 296; *Ins. Co. v. West*, 6 Ohio St. 602.

MASTER AND SERVANT—INJURIES TO SERVANT—BREACH OF FACTORY ACT—ASSUMPTION OF RISK.—ESPENLAUB ET AL. V. ELLIS, 72 N. E. 527 (IND.).—*Held*, in an action by a servant for injury received from a saw left unguarded, contrary to the provisions of the Factory Act, that he was entitled to recover against the master, there being no such assumption of risk as would defeat recovery.

A servant does not impliedly assume risks of service which are violations of law by the master. *Narramore v. Cleveland, C. C. & St. L. R. Co.*, 96 Fed. 295; *Durant v. Lex. Coal Min. Co.*, 97 Mo. 62. It is also held in the cases cited that knowledge by the servant of the master's violation of the statute requiring the saw or other machinery to be guarded is not a bar to recovery. See also *Britton v. Great Western Cotton Co.*, L. R. 7 Exch. 130. Acts made for the protection of servants should be construed to effect their purpose. *Groves v. Wimborne*, (1898), 2 Q. B. 402. The courts of New York and Massachusetts place an opposite interpretation upon similar statutes. The servant cannot recover for an injury resulting from an open and obvious defect caused by the master's failure to perform a statutory duty. *Knisley v. Pratt*, 148 N. Y. 372; *O'Maley v. S. Boston Gaslight Co.*, 158 Mass. 135; *Powell v. Ashland Iron & Steel Co.*, 98 Wis. 35. The statute does not abrogate the common law rule that if the servant knows of the unguarded condition and appreciates the risk he cannot call upon his employer for indemnity. *McRickard v. Flint*, 114 N. Y. 222; *Goodridge v. Washington Mills Co.*, 160 Mass. 234.

NEGLIGENCE—IMPUTABILITY—DRIVER OF VEHICLE AND GUEST.—EVENSON V. L. & B. RY. CO., 72 N. E. 355 (MASS.).—*Held*, that the right of one riding with another to recover for injuries caused by the negligence of a street car company is dependent upon the exercise of due care by his companion who was driving.

The present case can only be reconciled with the previous decisions of the same court upon the ground that the plaintiff himself failed to exercise ordinary prudence. *Allyn v. B. & A. R. R. Co.*, 105 Mass. 77; *Randolph v. O'Riordon*, 155 Mass. 331. In most jurisdictions it is now firmly established that the negligence of a driver is not to be imputed to a guest who exercises no control over him. *Little v. Hackett*, 116 U. S. 336; *Masterson v. N. Y. C. R. R. Co.*, 84 N. Y. 247; *Cahill v. C. N. O. & T. P. Ry. Co.*, 92 Ky. 345. The same rule applies to passengers in public hacks. *East Tenn., Va. & Ga. Ry. Co. v. Markens*, 88 Ga. 60; *Becke v. So. Pac. Ry. Co.*, 102 Mo. 544. But recovery will be barred if the guest failed to use reasonable prudence. *Flanagan v. N. Y. C. & H. R. R. R. Co.*, 70 App. Div. (N. Y.) 505; *Holden v. Missouri Ry. Co.*, 177 Mo. 456. The doctrine of imputed negligence is, however, still favored to a limited extent in a few jurisdictions. *Ritger v. City of Milwaukee*, 99 Wis. 190; *Nesbit v. Garner*, 75 Iowa 314; *Omaha & R. V. R. R. Co. v. Talbot*, 48 Neb. 627. But the general tendency, as above indicated, is toward the entire abandonment of the theory.